

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PEDIPED INFANT FOOTWEAR LLC,

Plaintiff,

-v-

No. 08 Civ. 3572 (LTS)(THK)

KUDOS LEATHERGOODS LTD. d/b/a
Jack and Lily, and ROBERT THOMAS BUELL,
Defendants.

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ORDER GRANTING PRELIMINARY INJUNCTION¹

For the reasons stated on the record of the June 19, 2008, hearing before the undersigned on Plaintiff's application for preliminary injunctive relief, it is hereby ORDERED, that:

Defendants, their officers, agents, servants, employees, franchisees, licensees, attorneys, parents, subsidiaries, related companies, and all others in active concert with Kudos Leathergoods Ltd d/b/a Jack and Lily, Robert Thomas Buell, and/or one or more of the foregoing, and each of them, who receive actual notice of this Order, are hereby preliminarily restrained and enjoined, pending the final resolution of Plaintiff's claims for injunctive relief, from manufacturing, advertising, offering for sale, selling, distributing, marketing, transporting, delivering, or in any way attempting to sell or resell the products and packaging identified in Exhibit A and any products or packaging embodying trade dress compromising a substantial portion of the following:

- A. with respect to design, a black sole with highly visible white hand-stitching, spaced to

¹ *The ECF system provides notice of the entry of this Order to each party that has both entered an appearance in this case and registered with ECF. The ECF-registered attorneys are responsible for providing notice to any co-counsel whose e-mail addresses are not reflected on the ECF docket for this case, and Plaintiff's counsel, upon receiving notice of this Order, is hereby ordered to fax or otherwise deliver promptly a copy to all parties who are not represented by ECF-registered counsel. A certificate of such further service shall be filed within 5 days from the date hereof. Counsel who have not registered for ECF are ordered to register immediately as filing users in accordance with the Procedures for Electronic Case Filing.*

create a stylized rippled effect around the entire shoe; a profile which creates an asymmetrical, rounded-boxy and formed look; a roomy toe box; a sole visually small compared to the upper; and a white sewn-in tag on the end of the Velcro strap, such characteristics being illustrated by Exhibit B hereto;

- B. with respect to packaging, a sturdy, purple, textured, and hinged box with a clear plastic window; the logo and tag line situated above the plastic window, with the tag line printed in smaller font; a description of the product positioned at the bottom of the box, below the window; the left and right sides of the box adjoining the window of equal proportion to each other; the top portion of the box adjoining the window more than twice the height of the bottom portion of the box adjoining the window, and the logo and company information on the back of the box, and a cloth carrying handle on the top of the box, such characteristics being illustrated by Exhibit C hereto;


and further that Plaintiff shall post security in the amount of \$25,000 with the Clerk of Court within three (3) days of the entry of this Order.

This Order terminates Docket Entry No. 9.

SO ORDERED.

Dated: New York, New York

June 19, 2008



LAURA TAYLOR SWAIN
United States District Judge